



OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION: 1) APPROVING THE ANNUAL REPORT OF THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; 2) DECLARING THE INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2021-2022 FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT; AND 3) SCHEDULING A PUBLIC HEARING FOR DECEMBER 1, 2020

WHEREAS, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 *et seq.*; and

WHEREAS, the business license holders in the Montclair business district petitioned to form the Montclair Business Improvement District ("District") under said legislation to undertake the Management Plan for the District ("Plan") which is on file with the City Clerk; and

WHEREAS, the Plan provides for new security, beautification, and economic development and marketing activities with the intent of creating a positive atmosphere in the District area (as more specifically identified in the Plan); and

WHEREAS, the Montclair Business Improvement District was established by the City Council on November 27, 2001, pursuant to Ordinance 12378 C.M.S.; and

WHEREAS, Streets and Highways Code Sections 36533 and 36534 require that before the next annual assessment for the Montclair Business Improvement District is levied, the City Council must: (1) approve the Business Improvement District's Annual Report, and (2) approve a Resolution of Intention that declares the City's intention to collect the assessments and schedules a public hearing to be held about the levy of the proposed assessment; and

WHEREAS, pursuant to said law, the Montclair Business Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (attached hereto as **Exhibit A**) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be provided for the 2021-2022 fiscal year, the boundaries of the area and any benefit

zones within the area, and the proposed assessments to be levied upon the businesses within the area for the 2021-2022 fiscal year; and

WHEREAS, if the District's proposed assessments for fiscal year ("FY") 2021-2022 are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance Management Bureau on behalf of the District in Miscellaneous Trusts Fund (7999)/Economic Development Org (85411)/Pass Thru Assessments Account (24224)/ Administrative Project (1000019)/Montclair BID Program (MBID); now therefore be it

RESOLVED: That the Council of the City of Oakland does hereby approve the FY 2021-2022 Annual Assessment Report for the District attached here to as Exhibit A; and be it

FURTHER RESOLVED: That the City Council does find and state its intention as follows:

1. Pursuant to Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for FY 2021-2022 as provided for in the said Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan.
2. The location and boundaries of the District shall remain the same as specified in the Plan on file with the City Clerk and there are no changes to the boundaries or benefit zones.
3. The types of the improvements and activities proposed to be funded by the levy of FY 2021-2022 assessments on businesses in the area are those specified in the Plan and the Annual Assessment Report on file with the City Clerk. No substantial changes in the improvements or activities for the District are proposed to be made.
4. The proposed method and basis of calculating the assessments to be levied against each business in the District are those specified in the Plan and Annual Assessment Report on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby sets a **Public Hearing for December 1, 2020**, or as soon thereafter as the matter may be heard, to hear all public comments, protests, and to take final action as to the levying of the proposed assessments for the District for the fiscal year 2021-2022. Details regarding time, location and how to participate in the Public Hearing can be found at www.oakland.legistar.com, or by emailing the Oakland City Clerk's Office at cityclerk@oaklandca.gov or by calling 510-238-3226; and be it

FURTHER RESOLVED: That pursuant to Streets and Highways Code Section 36534 (b), the City Clerk is directed to give notice of the Public Hearing by causing the

Resolution of Intention to be published once in a newspaper of general circulation in the City of Oakland not less than seven days before the Public Hearing; and be it

FURTHER RESOLVED: That at the Public Hearing the testimony of all interested persons for or against the proposed assessments will be heard and written and oral protests may be made in the form and manner provided by Sections 36524 and 36525 of the Streets and Highways Code as follows:

1. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.
2. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
3. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business.
4. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
5. If written protests are received from the owners of businesses in the District who will pay 50 percent or more of the assessments proposed to be levied, and protests are not withdrawn so as to reduce the protests to less than that 50 percent, the proposed assessment shall not be levied.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California